

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 205, 240 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 205, 240 of said Code, proposes to Add Sections 2.45 and 251.9, Title 14, California Code of Regulations, relating to Computer Assisted Remote Hunting and Fishing.

Informative Digest/Policy Statement Overview

With the use of computer-assisted remote hunting/fishing, from anywhere in the world, a person could remotely utilize a computerized system where a shooter can control a camera that has pan, tilt, and zoom features and a firearm or other weapon to shoot/take real living targets in real time.

The system uses a minimum of two cameras, one connected to the rifle scope and another alongside the gun or weapon. The cameras beam images back to a person who is sitting in a remote location looking at a computer screen. The rifle or weapon is mounted atop a pan-tilt motor, which users can control with four arrows, a computer mouse or joy stick, to control the up and down and side to side motion of the weapon. When the target appears in the scope's crosshairs, the user clicks a "fire" button to discharge the impact object (bullet, arrow, spear, etc.).

There are currently no definitions or regulations relating specifically to computer-assisted remote hunting/fishing in the Fish and Game Code or Title 14, California Code of Regulations. The proposed regulation would define computer-assisted remote hunting/fishing and specifically prohibit its use. In addition, the regulation would also prohibit the establishment of an internet, or web-based site, to assist in the taking of birds, mammals or fish.

Physically removing the "hunter/fisher" from the animal he/she is killing can subvert laws governing hunter/fisher age, training and licensing requirements and can subject animals to undue suffering. In addition, the element of a fair chase has always been a part of the American hunting heritage and the use of remote-controlled hunting/fishing is in direct conflict with basic hunting/fishing principles.

The sport hunting group Safari Club International has spoken out against computer-assisted remote hunting and several states including Maine, Oregon, Tennessee, and Virginia, have or are in the process of introducing regulations prohibiting its use.

Although the Department is not aware of any computer-assisted remote fishing sites at this time the language in this proposal is written in anticipation that this technology, currently used for taking birds and mammals, may soon expand to include fishing as well.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 1050 Monterey Street, 2nd floor, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 15, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than

August 19, 2005, at the hearing in San Luis Obispo, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 651-9953, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with

the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: June 21, 2005

Robert R. Treanor
Executive Director